

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14693 of Andrew L. Sandler and Karen L. Degerberg, pursuant to 11 DCMR 3107.2, for a variance from the rear yard requirements (Sub-section 404.1) to construct a proposed addition in an R-1-B District at premises 3818 47th Street, N.W., (Square 1526, Lot 803).

HEARING DATE: October 21, 1987

DECISION DATE: October 21, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The site known as premises 3818 47th Street, N.W., is located on the west side of 47th Street near its intersection with Sedgwick Street. The site is located in an R-1-B District which extends in all directions from the site.

2. The site is irregularly shaped with a frontage of 68 feet along 47th Street, and a maximum depth of 32 feet. The lot comprises 2,533 square feet. The site is nonconforming regarding lot area as the lot area now required for the R-1-B District is 5,000 square feet. The site is improved with a two story plus basement brick and frame detached dwelling. The structure is also nonconforming as the structure does not provide a 25 foot rear yard.

3. Pursuant to 11 DCMR 3107.2 the applicants are seeking a variance from the rear yard requirements (Sub-section 404.1) to construct additions to the rear of the structure.

4. The proposed construction will consist of a kitchen addition and enlarged replacement of the existing deck. The additions will have a combined lot occupancy of 226.00 square feet resulting in a total lot occupancy of 965.23 square feet for the entire structure. The maximum allowable lot occupancy for the site is 1,013.2 square feet.

5. For good cause shown the Board waived its rules to accept the report dated October 14, 1987, of Advisory Neighbor Commission 3D. The report recommended approved of the application.

6. The neighbors of the property located to the rear of the site authored a letter dated June 28,

1987 stating that they had no objection to the planned construction.

7. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan.

Sub-section 404.1 requires that a rear yard of 25 feet be provided for the site. The proposed addition will provide an average rear yard of 5.4 feet necessitating a variance of 16.6 feet or 78.4 percent. The Board concludes that the applicants have met the burden of proof. The lot is irregularly shaped with a great width but shallow depth. The structure does not now meet the rear yard setback requirements. The additions will not cause the structure to exceed the lot occupancy requirements. The Board notes the small size of the additions and that there is likely to be little or no adverse impact on nearby properties.


The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan.

The Board concludes that it has afforded to the ANC the "great weight" to which it is entitled. Accordingly it is hereby ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 2 of the record.

VOTE: 5-0 (Patricia N. Mathews, Paula L. Jewell, Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to approve)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CORRY  
Executive Director

FINAL DATE OF ORDER: NOV 9

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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